



REGISTRAR OF REGULATIONS
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COMMONWEALTH of VIRGINIA

Department of Health
DIVISION OF SHELLFISH SANITATION
109 Governor Street, Room 614-B
Richmond, VA 23219

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NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 038-178, WINTER HARBOR

EFFECTIVE 2 MARCH 2005

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §9-6.14:4.1, B.16 of the *Code of Virginia*:

1. The "Notice and Description of Shellfish Area Condemnation Number 038-178, Winter Harbor," effective 29 April 2004, is cancelled effective 2 March 2005.
2. The shellfish condemnation area Number 038-178 shown as Sections A and B is hereby established, effective 2 March 2005. It shall be unlawful for any person, firm, or corporation to take shellfish from these sections for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.2-810 of the *Code of Virginia*. The boundaries of these sections are shown on the map titled "Winter Harbor, Condemned Shellfish Number 038-178, 2 March 2005" which is part of this notice.
3. The seasonal shellfish condemnation area Number 038-178 shown as Section M1 is hereby established, effective April 1, 2005, and shall remain in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded. It shall be unlawful for any person, firm or corporation to take shellfish from this area during such period for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.2-810 of the *Code of Virginia*. The boundary of this section is shown on the map titled "Winter Harbor, Condemned Shellfish Number 038-178, 2 March 2005" which is part of this notice.
4. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

BOUNDARIES OF CONDEMNED AREA NUMBER 038-178


- A. The condemned area shall include all of the unnamed tributary of Winter Harbor and its tributaries lying upstream of a line drawn from latitude/longitude map coordinate (37°22'57.6", -76°16'02.5") and map coordinate (37°22'52.0", -76°16'06.4").
- B. The condemned area shall include all of the unnamed tributary of Winter Harbor and its tributaries lying upstream of a line drawn from latitude/longitude map coordinate (37°22'49.2", -76°16'08.6") and map coordinate (37°22'37.0", -76°16'12.9").

VDH VIRGINIA
DEPARTMENT
OF HEALTH
Protecting You and Your Environment

www.vdh.virginia.gov/shellfish

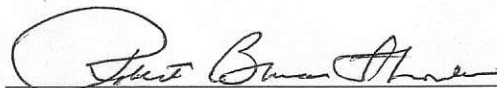
- M1. The seasonally condemned area shall include that portion of Winter Harbor lying upstream and inland of a line drawn from latitude/longitude map coordinate (37°22'34.4", -76°15'25.0") to map coordinate (37°22'34.2", -76°15'21.0"), thence northwesterly along the island shoreline to map coordinate (37°22'37.7", -76°15'25.1"), thence on to map coordinate (37°22'39.2", -76°15'36.3"), thence westerly along the island shoreline to map coordinate (37°22'39.9", -76°15'39.2"), thence continuing on to map coordinate (37°22'41.5", -76°15'46.9") and finally to map coordinate (37°22'36.5", -76°15'53.6").

Recommended by:



Director, Division of Shellfish Sanitation

Ordered by:



State Health Commissioner

2/16/2008

Date

Virginia Department of Health

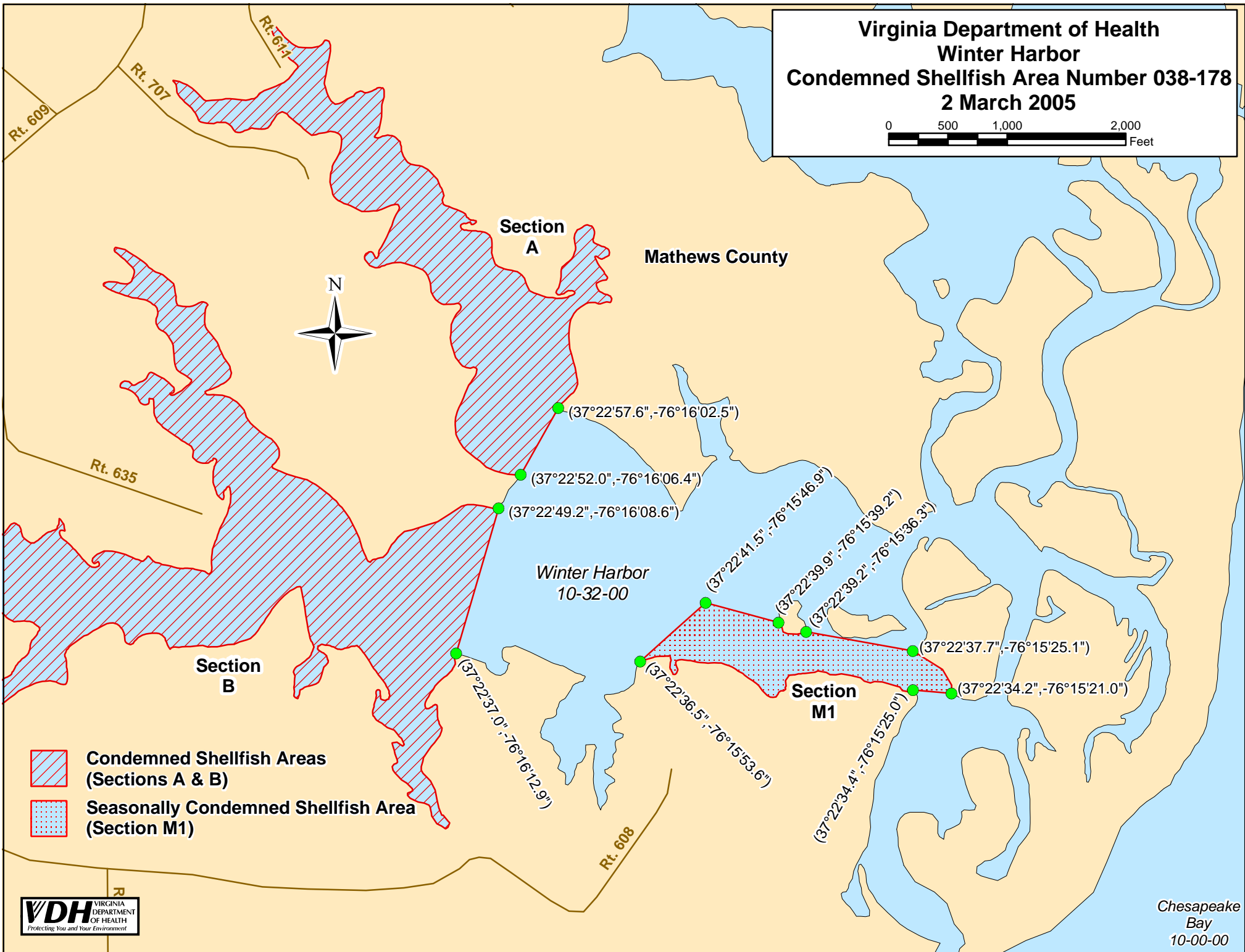
Winter Harbor



Condemned Shellfish Area Number 038-178

2 March 2005

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Feet



-  **Condemned Shellfish Areas (Sections A & B)**
-  **Seasonally Condemned Shellfish Area (Section M1)**